

Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

May 10, 2004

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, May 10, 2004 at 6:03 P.M. followed by the Pledge of Allegiance to the Flag.

The following Board members were present: Charles Castle/Vice-Chairperson, Drexel Clark, Cheryl Barnes, Tommy Messer, Terry Pasko, and Diana Couillard.

Horton Barnes had an excused absence.

Present from the Code Compliance staff were Paul Jochum-Code Compliance Manager and Alysia Akins-Code Enforcement Board Secretary.

Terry Neal-Attorney for the Sumter County Code Compliance Inspectors was present and Randall Thornton-Attorney for the Code Enforcement Board was also present.

Mrs. Barnes made a motion to approve the minutes from the April 12, 2004 meeting. Mrs. Couillard seconded the motion and the motion carried.

Mr. Jochum was sworn in.

Old Business:

The following cases have been issued an affidavit of compliance:

CE2003-0164/Hemmeke and East

CC2003-285/Godwin

CE2003-0089/Toller

CC2001-317/Martinez

Mr. Messer made a motion to accept the affidavit of compliance. Mrs. Couillard seconded the motion and the motion carried.

The following cases have been filed for liens:

CC2003-282/Leonard

CC2003-404/Okulski

CE2003-0101/Bank of America

The following case has been sent to the attorney for foreclosure:

CC2003-8/Varnum

New Business:

The following cases were noted in the record for filing of an affidavit of pre-hearing compliance:

CE2003-0071/Lourenco

CE2004-0007/Ruth

CE2004-0015/Stimpson

File: #CC2003-102/Smolinski

#CC2003-103/Smolinski

911 Address: 7078 CR 213/Wildwood

7094 CR 213/Wildwood

Parcel: F01=048/OR 784 – PG 272

F01=091/OR 784 – PG 272

SCCV: 6-104(3) and 6-104(5)

6-104(3) and 6-104(5)

The Respondent was not present. Mr. Jochum testified the Notice for Hearings had been sent by certified mail but were returned. Mr. Jochum testified the properties were posted on 2/23/04. Mr. Jochum testified 4/5/04 had been his last visit to the properties. Mr. Jochum presented photographs that had been taken on 10/22/03 and 2/4/04 showing the violations at both properties. Mr. Jochum testified he had contacted Amsouth Bank who claims they do not own the property. Mr. Jochum testified Mr. Smolinski had mailed him the cover sheet for the Discharge to Debtor paperwork regarding his filing for bankruptcy. Mr. Jochum testified there has been no foreclosure filed on either property. Mr. Jochum testified a lien has been previously filed by the County regarding trash. Mr. Jochum's recommendation is for demolition. Myra Paxton, after being sworn in, testified she has sold other properties for Mr. Smolinski. Attorney Thornton discussed the lien and title procedures and recommended imposing a new lien immediately.

Mr. Messer made a motion to give the Respondent 15 days to make the necessary repairs to the structures and mow the grass, or a fine of fifty dollars (\$50.00) per day, **for each property**, would be imposed for each and every day of non-compliance. Mr. Clark seconded the motion and the motion carried.

File: #CC2003-208/Deutsche Bank Trust Company

911 Address: 1626 S US 301/Sumterville

Parcel: J23=006/OR 1106 – PG 193

SCCV: Table 13-362A-2.110, 6-104(2), 21-1(A) and 13-E312 SHC 307.4

The Respondent was not present. Mr. Jochum testified the Notice for Hearing had been sent by certified mail to the trustee of mortgage. Mr. Jochum testified 4/28/04 had been his last visit to the property. Mr. Jochum presented photographs that had been taken on 5/1/03 and 2/2/04. Mr. Jochum testified an additional apartment had been built on the property with no permits. Myra Paxton, after being sworn in, testified she was the realtor for the property and discussed the foreclosure that had been filed. Mrs. Paxton testified the bank is currently working with the state to resolve an issue regarding the right-of-way. Mrs. Paxton stated the bank has requested an additional 90 days in order to resolve the legal issues, sell the property and bring it into compliance. Mrs. Paxton testified the proposed buyer had been informed the

apartment and mobile home had to be removed from the property. The Board recommended Mrs. Paxton post “No Trespassing” and “No Dumping” signs on the property.

Mrs. Couillard moved to give the Respondent 90 days to mow the grass and post the property, or a fine of fifty dollars (\$50.00) per day would be imposed for each and every day of non-compliance. Mr. Messer seconded the motion and the motion carried.

File: #CC2003-326/Baker

911 Address: 1079 SW 66th Place/Bushnell

Parcel: N17D805/OR 312 – PG 512

SCCV: 6-104(2), 13-E312 SHC 307.4 and 6-104(5)

The Respondent, Dwayne Baker, was present and sworn in. Mr. Jochum testified the Request for Hearing had been sent by certified mail. Mr. Jochum testified 5/10/04 had been his last visit to the property and found the property to be in non-compliance. Mr. Jochum presented photographs that had been taken on 7/18/03, 4/28/04 and 5/10/04. Mr. Jochum testified Mr. Baker’s mother had been in contact with him. Mr. Jochum testified the boat had been removed from the property along with various other items. Mr. Baker testified no one resided on the property but the power was on. Mr. Baker testified he was involved in a car accident a few years ago and his health is just now allowing him to start cleaning up the property.

Mrs. Couillard moved to give the Respondent 30 days to finish removing the items from the property, or a fine of twenty-five dollars (\$25.00) per day would be imposed for each and every day of non-compliance. Mrs. Barnes seconded the motion and the motion carried.

File: #CE2003-0146/Philbrook

911 Address: 5643 CR 173/Wildwood

Parcel: G16C024/OR 1010 – PG 164

SCCV: 6-104(4) and 13-364(b)(2)(f)

The Respondent, Raymond Philbrook, was present and sworn in. Mr. Jochum testified the Request for Hearing had been sent by certified mail but was returned. Mr. Jochum testified the property had been posted on 4/29/04, which was his last visit to the property, and found it to be in compliance at that time. Mr. Jochum explained the reason it was still brought before the board is due to the fact Mr. Philbrook has been in violation twice before and brought his property into compliance prior to the hearing. Mr. Jochum presented a series of photographs that had been taken on 11/25/03, 1/28/04, 3/24/04, 4/6/04 and 4/26/04. Mr. Jochum testified he couldn’t prove Mr. Philbrook is running a repair business from his property.

Mr. Philbrook testified he is not running a repair business from his property. Mr. Philbrook testified he works on his own personal vehicles only which are tagged and insured. Mr. Philbrook testified he owns a repair shop in Fruitland Park. Mr. Philbrook was asked to identify each vehicle shown in the series of photographs. There were 11 vehicles shown on his property within a 6-month time period. Mr. Philbrook testified he had installed a privacy fence to try and make his neighbors happy. Mr. Messer recommended an immediate fine be levied if Mr. Philbrook violates the code again.

Mrs. Couillard moved to dismiss the case due to the fact Mr. Philbrook was in compliance at this time. Mrs. Barnes seconded the motion and the motion carried.

File: #CE2004-0231/Lindsay

911 Address: 189 & 227 CR 491/Lake Panasoffkee

Parcel: J15=011/OR 698 – PG 794

SCCV: 13-51(A)(2)(A) and 13-611A

The Respondent, Robert Lindsay, was present and sworn in. Mr. Jochum testified the Request for Hearing had been sent by certified mail and the property had been posted. Mr. Jochum testified 4/29/04 had been his last visit to the property and found the property to be in non-compliance. Mr. Jochum presented photographs that had been taken on 12/11/03. Mr. Jochum testified Mr. Lindsay had come into his office last week and had spoken with him. Mr. Jochum testified he had found no building permits for the addition that had been built which was violating side setback requirements along a platted road. Mr. Jochum presented videotape that was submitted by Mrs. Roberta Harvey, neighbor, showing the addition being constructed. The videotape claims the addition was built on March 25 and 26 of 2000. Mr. Lindsay testified the addition was 10' x 17'. Mr. Lindsay testified he had contacted the zoning department prior to building the addition and was informed he did not need a permit. Mr. Lindsay complained about the way his property had been posted. Mr. Lindsay submitted a copy of a letter from the previous owner that was not notarized into the record stating the addition had been built in 1995. Mr. Lindsay testified the electric and plumbing in the addition were existing and the addition was a replacement. The committee members expressed an interest in viewing the addition. Attorney Thornton advised the members they would have to view the addition separately or convene together with the recording secretary present on the property. Mr. Jochum was requested to inspect the addition with a building inspector to determine if a previous structure had been built prior to the addition in question. The setback issue was discussed. Mr. Lindsay testified he did not have a copy of the survey but had verified where the boundary markers were.

Mrs. Couillard moved to continue this case until the June 14, 2004 meeting. Mr. Jochum and a building inspector will inspect the addition. Mrs. Barnes seconded the motion and the motion carried.

There being no further business, Mr. Messer made a motion to adjourn at 7:50 PM. Mrs. Barnes seconded the motion and the motion carried.

Vice-Chairman

Recording Secretary